

# Appendix C

Compendium of State Laws  
Regarding Water Recycling



## Appendix C

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# Compendium of State Laws Regarding Water Recycling

## Introduction

Legal requirements applicable to recycled water are found in State statutes (laws) and regulations. Statutes are the body of laws approved by the State Legislature and signed by the Governor. Most statutes are codified for ease of reference. Most statutes relevant to recycled water are contained in the Water Code, but there are important references in the Public Resources Code, Health and Safety Code, and other codes. A portion of the Water Code is designated the Porter-Cologne Water Quality Control Act, which includes the permitting of wastewater treatment plants and water recycling facilities, as well as other water quality-related provisions.

Regulations are adopted by State agencies in order to implement the statutes. They are contained in the California Code of Regulations (CCR). The CCR is divided into titles and each title is assigned to particular agencies. The most relevant titles for recycled water are Title 17, which contains regulations to protect against cross-connections between potable and nonpotable water systems, and Title 22, which includes health-related requirements for recycled water systems, such as the types of treatment needed. These two titles are adopted by the Department of Health Services.

The Water Code defines "**reclaimed water**" or "**recycled water**" to mean water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.

In 1995, provisions of the Water Code, Fish and Game Code, Health and safety Code, and other statutes were amended to replace terms such as wastewater "**reclamation**" and "**reclaimed water**" with "**water recycling**" and "**recycled water**." The legislation (AB 1247, Setencich) was intended to enhance public acceptance of recycled water supplies.

## Recycled Water - Definition

### WATER CODE SECTION 13050 (n)

"**Recycled water**" means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefor considered a valuable resource.

### WATER CODE SECTION 26

For the purposes of this code, "recycled water" or "reclaimed water" has the same meaning as recycled water as defined in subdivision (n) of Section 13050.

## Recycled Water - Recycling Criteria

### WATER CODE SECTIONS 13520-13529.4

13520. As used in this article "**recycling criteria**" are the levels of constituents of **recycled water**, and means for assurance of reliability under the design concept which will result in **recycled water** safe from the standpoint of public health, for the uses to be made.

13521. The State Department of Health Services shall establish uniform statewide **recycling** criteria for each varying type of use of **recycled water** where the use involves the protection of public health.

13522. (a) Whenever the State Department of Health Services or any local health officer finds that a contamination exists as a result of the use of **recycled water**, the department or local health officer shall order the contamination abated in accordance with the procedure provided for in Chapter 6 (commencing with Section 5400) of Part 3 of Division 5 of the Health and Safety Code. (b) The use of **recycled water** in accordance with

the uniform statewide **recycling** criteria established pursuant to Section 13521, for the purpose of this section, does not cause, constitute, or contribute to, any form of contamination, unless the department or the regional board determines that contamination exists.

13522.5. (a) Except as provided in subdivision (e), any person **recycling** or proposing to **recycle water**, or using or proposing to use **recycled water**, within any region for any purpose for which **recycling** criteria have been established, shall file with the appropriate regional board a report containing information required by the regional board. (b) Except as provided in subdivision (e), every person **recycling water** or using **recycled water** shall file with the appropriate regional board a report of any material change or proposed change in the character of the **recycled water** or its use. (c) Each report under this section shall be sworn to, or submitted under penalty of perjury. (d) This section shall not be construed so as to require any report in the case of any producing, manufacturing, or processing operation involving the **recycling of water** solely for use in the producing, manufacturing, or processing operation. (e) Except upon the written request of the regional board, a report is not required pursuant to this section from any user of **recycled water** which is being supplied by a supplier or distributor for whom a master **recycling** permit has been issued pursuant to Section 13523.1.

13522.6. Any person failing to furnish a report under Section 13522.5 when so requested by a regional board is guilty of a misdemeanor.

13522.7. The Attorney General, at the request of the regional board, shall petition the superior court for the issuance of a temporary restraining order, temporary injunction or permanent injunction, or combination thereof, as may be appropriate, requiring any person not complying with Section 13522.5 to comply forthwith.

13523. (a) Each regional board, after consulting with and receiving the recommendations of the State Department of Health Services and any party who has requested in writing to be consulted, and after any necessary hearing, shall, if in the judgment of the board, it is necessary to protect the public health, safety, or welfare, prescribe **water reclamation** requirements for water which is used or proposed to be used as **reclaimed water**. (b) The requirements may be placed upon the person **reclaiming water**, the user, or both. The requirements shall be established in conformance with the uniform statewide **reclamation** criteria established pursuant to Section 13521. The regional board may require the submission of a preconstruction report for the purpose of determining compliance with the uniform statewide **reclamation** criteria. The requirements for a use of **reclaimed water** not addressed by the uniform statewide **reclamation** criteria shall be considered on a case-by-case basis.

13523.1. (a) Each regional board, after consulting with, and receiving the recommendations of, the State Department of Health Services and any party who has requested in writing to be consulted, with the consent of the proposed permittee, and after any necessary hearing, may, in lieu of issuing waste discharge requirements pursuant to Section 13263 or **water reclamation** requirements pursuant to Section 13523 for a user of **reclaimed water**, issue a master **reclamation** permit to a supplier or distributor, or both, of **reclaimed water**. (b) A master **reclamation** permit shall include, at least, all of the following: (1) Waste discharge requirements, adopted pursuant to Article 4 (commencing with Section 13260) of Chapter 4. (2) A requirement that the permittee comply with the uniform statewide **reclamation** criteria established pursuant to Section 13521. Permit conditions for a use of **reclaimed water** not addressed by the uniform statewide **water reclamation** criteria shall be considered on a case-by-case basis. (3) A requirement that the permittee establish and enforce rules or regulations for **reclaimed water** users, governing the design and construction of **reclaimed water** use facilities and the use of **reclaimed water**, in accordance with the uniform statewide **reclamation** criteria established pursuant to Section 13521. (4) A requirement that the permittee submit a quarterly report summarizing **reclaimed water** use, including the total amount of **reclaimed water** supplied, the total number of **reclaimed water** use sites, and the locations of those sites, including the names of the hydrologic areas underlying the **reclaimed water** use sites. (5) A requirement that the permittee conduct periodic inspections of the facilities of the **reclaimed water** users to monitor compliance by the users with the uniform statewide **reclamation** criteria established pursuant to Section 13521 and the requirements of the master **reclamation** permit. (6) Any other requirements determined to be appropriate by the regional board.

13523.5. A regional board may not deny issuance of **water reclamation** requirements to a project which violates only a salinity standard in the basin plan.

13524. No person shall **recycle water** or use **recycled water** for any purpose for which **recycling** criteria have been established until **water recycling** requirements have been established pursuant to this article or a regional board determines that no requirements are necessary.

13525. Upon the refusal or failure of any person or persons **recycling water** or using **recycled water** to comply with the provisions of this article, the Attorney General, at the request of the regional board, shall petition the superior court for the issuance of a temporary restraining order, preliminary injunction, or permanent injunction, or combination thereof, as may be appropriate, prohibiting forthwith any person or persons from violating or threatening to violate the provisions of this article.

13525.5. Any person **recycling water** or using **recycled water** in violation of Section 13524, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor. Each day of such **recycling** or use shall constitute a separate offense.

13526. Any person who, after such action has been called to his attention in writing by the regional board, uses **recycled water** for any purpose for which **recycling** criteria have been established prior to the establishment of **water recycling** requirements, is guilty of a misdemeanor.

13527. (a) In administering any statewide program of financial assistance for water pollution or water quality control which may be delegated to it pursuant to Chapter 6 (commencing with Section 13400) of this division, the state board shall give added consideration to water quality control facilities providing optimum **water recycling** and use of **recycled water**. (b) Nothing in this chapter prevents the appropriate regional board from establishing waste discharge requirements if a discharge is involved.

13528. No provision of this chapter shall be construed as affecting the existing powers of the State Department of Health Services.

13529. The Legislature hereby finds and declares all of the following: (a) The purpose of Section 13529.2 is to establish notification requirements for unauthorized discharges of **recycled water** to waters of the state. (b) It is the intent of the Legislature in enacting this section to promote the efficient and safe use of **recycled water**. (c) The people of the state have a primary interest in the development of facilities to **recycle water** to supplement existing water supplies and to minimize the impacts of growing demand for new water on sensitive natural water bodies. (d) A substantial portion of the future water requirements of the state may be economically met by the beneficial use of **recycled water**. (e) The Legislature has established a statewide goal to **recycle** 700,000 acre-feet of water per year by the year 2000 and 1,000,000 acre-feet of water per year by the year 2010. (f) The use of **recycled water** has proven to be safe and the State Department of Health Services is drafting regulations to provide for expanded uses of **recycled water**.

13529.2. (a) Any person who, without regard to intent or negligence, causes or permits an unauthorized discharge of 50,000 gallons or more of **recycled water**, as defined in subdivision (c), or 1,000 gallons or more of **recycled water**, as defined in subdivision (d), in or on any waters of the state, or causes or permits such unauthorized discharge to be discharged where it is, or probably will be, discharged in or on any waters of the state, shall, as soon as (1) that person has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the appropriate regional board. (b) For the purposes of this section, an unauthorized discharge means a discharge not authorized by waste discharge requirements pursuant to Article 4 of Chapter 4 (commencing with Section 13260), **water reclamation** requirements pursuant to Section 13523, a master **reclamation** permit pursuant to Section 13523.1, or any other provision of this division. (c) For the purposes of this section, "**recycled water**" means wastewater treated as "disinfected tertiary 2.2 **recycled water**," as defined or described by the State Department of Health Services or wastewater receiving advanced treatment beyond disinfected tertiary 2.2 **recycled water**. (d) For purposes of this section, "**recycled water**" means "**recycled water**," as defined in subdivision (n) of Section 13050, which is treated at a level less than "disinfected tertiary 2.2 **recycled water**," as defined or described by the State Department of Health Services. (e) The requirements in this section supplement, and shall not supplant, any other provisions of law.

13529.4. (a) Any person refusing or failing to provide the notice required by Section 13529.2, or as required by a condition of waste discharge requirements requiring notification of unauthorized releases of **recycled water** as defined in Section 13529.2, may be subject to administrative civil liability in an amount not to exceed the following: (1) For the first violation, or a subsequent violation occurring more than 365 days from a previous violation, five thousand dollars (\$5,000). (2) For a second violation occurring within 365 days of a previous violation, ten thousand dollars (\$10,000). (3) For a third or subsequent violation occurring within 365 days of a previous violation, twenty-five thousand dollars (\$25,000). (b) The penalties in this section supplement, and shall not supplant, any other provisions of law.

#### **TITLE 22 CODE OF REGULATIONS - SECTION 60321**

60321. Sampling and analysis - (a) Disinfected secondary-23, disinfected secondary-2.2, and disinfected tertiary **recycled water** shall be sampled at least once daily for total coliform bacteria. The samples shall be taken from the disinfected effluent and shall be analyzed by an approved laboratory. (b) Disinfected tertiary **recycled water** shall be continuously sampled for turbidity using a continuous turbidity meter and recorder following filtration. Compliance with the daily average operating filter effluent turbidity shall be determined by averaging the levels of recorded turbidity taken at four-hour intervals over a 24-hour period. Compliance with turbidity pursuant to section 60301.320 (a)(2)(B) and (b)(1) shall be determined using the levels of recorded turbidity taken at intervals of no more than 1.2-hours over a 24-hour period. Should the continuous turbidity meter and recorder fail, grab sampling at a minimum frequency of 1.2-hours may be substituted for a period of up to 24-hours. The results of the daily average turbidity determinations shall be reported quarterly to the regulatory agency. (c) The producer or supplier of the **recycled water** shall conduct the sampling required in subsections (a) and (b).

#### **Recycled Water - Water Recycling Act of 1991**

#### **WATER CODE SECTIONS 13575-13583**

13575. (a) This chapter shall be known and may be cited as the **Water Recycling Act of 1991**. (b) As used in this chapter, the following terms have the following meanings: (1) “Customer” means a person or entity that purchases water from a retail water supplier. (2) “Entity responsible for groundwater replenishment” means any person or entity authorized by statute or court order to manage a groundwater basin and acquire water for groundwater replenishment. (3) “**Recycled water**” has the same meaning as defined in subdivision (n) of Section 13050. (4) “**Recycled water producer**” means any local public entity that produces **recycled water**. (5) “**Recycled water wholesaler**” means any local public entity that distributes **recycled water** to retail water suppliers and which has constructed, or is constructing, a **recycled water** distribution system. (6) “Retail water supplier” means any local entity, including a public agency, city, county, or private **water** company, that provides retail water service. (7) “Retailer” means the retail water supplier in whose service area is located the property to which a customer requests the delivery of **recycled water** service.

13576. The Legislature hereby makes the following findings and declarations: (a) The State of California is subject to periodic drought conditions. (b) The development of traditional water resources in California has not kept pace with the state’s population, which is growing at the rate of over 700,000 per year and which is anticipated to reach 36 million by the year 2010. (c) There is a need for a reliable source of water for uses not related to the supply of potable water to protect investments in agriculture, greenbelts, and recreation and to replenish groundwater basins, and protect and enhance fisheries, wildlife habitat, and riparian areas. (d) The environmental benefits of **recycled water** include a reduced demand for water in the Sacramento-San Joaquin Delta which is otherwise needed to maintain water quality, reduced discharge of waste into the ocean, and the enhancement of groundwater basins, recreation, fisheries, and wetlands. (e) The use of **recycled water** has proven to be safe from a public health standpoint, and the State Department of Health Services is updating regulations for the use of **recycled water**. (f) The use of **recycled water** is a cost-effective, reliable method of helping to meet California’s water supply needs. (g) The development of the infrastructure to distribute **recycled water** will provide jobs and enhance the economy of the state. (h) Retail water suppliers and **recycled water** producers and wholesalers should promote the substitution of **recycled water** for potable water and imported water in order to maximize the appropriate cost-effective use of **recycled water** in California. (i) **Recycled water** producers, retail water suppliers, and entities responsible for groundwater replenishment should cooperate in joint technical, economic, and environmental studies, as appropriate, to determine the feasibility of providing



**recycled water** service. (j) Retail water suppliers and **recycled water** producers and wholesalers should be encouraged to enter into contracts to facilitate the service of **recycled** and potable water by the retail water suppliers in their service areas in the most efficient and cost-effective manner. (k) **Recycled water** producers and wholesalers and entities responsible for groundwater replenishment should be encouraged to enter into contracts to facilitate the use of **recycled water** for groundwater replenishment if **recycled water** is available and the authorities having jurisdiction approve its use. (l) Wholesale prices set by **recycled water** producers and **recycled water** wholesalers, and rates that retail water suppliers are authorized to charge for **recycled water**, should reflect an equitable sharing of the costs and benefits associated with the development and use of **recycled water**.

13577. This chapter establishes a statewide goal to **recycle** a total of 700,000 acre-feet of water per year by the year 2000 and 1,000,000 acre-feet of water per year by the year 2010.

13578. (a) In order to achieve the statewide goal for **recycled water** use established in Section 13577 and to implement the Governor's Advisory Drought Planning Panel Critical Water Shortage Contingency Plan recommendations, Section F2, as submitted December 29, 2000, the department shall identify and report to the Legislature on opportunities for increasing the use of **recycled water**, as defined in paragraph (3) of subdivision (b) of Section 13575, and identify constraints and impediments, including the level of state financial assistance available for project construction, to increasing the use of **recycled water**. (b) The department shall convene a task force, to be known as the 2002 **Recycled Water** Task Force, to advise the department in implementation of subdivision (a), including making recommendations to the Legislature regarding the following: (1) How to further the use of **recycled water** in industrial and commercial applications, including, but not limited to, those applications set forth in Section 13552.8. The task force shall evaluate the current regulatory framework of state and local rules, regulations, ordinances, and permits to identify the obstacles and disincentives to industrial and commercial **reuse**. Issues to be investigated include, but are not limited to, applicability of visual inspections instead of pressure tests for cross-connections between potable and nonpotable water systems, dual piping trenching restrictions, fire suppression system design, and backflow protections. (2) Changes in the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, that are appropriate to facilitate the use of **recycled water** in industrial and commercial settings. The department shall make recommendations to the California Building Standards Commission with regard to suggested revisions to the California Plumbing Code necessary to incorporate the changes identified by the task force. (3) Changes in state statutes or the current regulatory framework of state and local rules, regulations, ordinances, and permits appropriate to increase the use of **recycled water** for commercial laundries and toilet and urinal flushing in structures including, but not limited to, those defined in subdivision (c) of Section 13553. The department shall identify financial incentives to help offset the cost of retrofitting privately and publicly owned structures. (4) The need to reconvene the California Potable **Reuse** Committee established by the department in 1993 or convene a successor committee to update the committee's finding that planned indirect potable **reuse** of **recycled water** by augmentation of surface water supplies would not adversely affect drinking water quality if certain conditions were met. (5) The need to augment state water supplies using water use efficiency strategies identified in the CALFED Bay-Delta Program. In its report pursuant to subdivision (a), the department shall identify ways to coordinate with CALFED to assist local communities in educating the public with regard to the statewide water supply benefits of local **recycling** projects and the level of public health protection ensured by compliance with the uniform statewide water **recycling** criteria developed by the State Department of Health Services in accordance with Section 13521. (6) Impediments or constraints, other than water rights, related to increasing the use of **recycled water** in applications for agricultural, environmental, or irrigation uses, as determined by the department. (c) (1) The task force shall be convened by the department and be comprised of one representative from each of the following state agencies: (A) The department. (B) The State Department of Health Services. (C) The state board. (D) The California Environmental Protection Agency. (E) The CALFED Bay-Delta Program. (F) The Department of Food and Agriculture. (G) The Building Standards Commission. (H) The University of California. (I) The Resources Agency. (2) The task force shall also include one representative from a recognized environmental advocacy group and one representative from a consumer advocacy group, as determined by the department, and one representative of local agency health officers, one representative of urban water wholesalers, one representative from a groundwater management entity, one representative of water districts, one representative from a nonprofit association of public and private members created to further the use of **recycled water**, one representative of commercial real estate, one representative of land development, one representative of industrial interests, and at least two representatives from each of the following as defined in Section 13575:

(A) **Recycled water** producer. (B) **Recycled water** wholesaler. (C) Retail water supplier. (d) The department and the task force shall report to the Legislature not later than July 1, 2003. (e) The department shall carry out the duties of this section only to the extent that funds pursuant to Section 79145, enacted as part of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act (Division 26 (commencing with Section 79000)), are made available for the purposes of this section.

13579. (a) In order to achieve the goals established in Section 13577, retail water suppliers shall identify potential uses for **recycled water** within their service areas, potential customers for **recycled water** service within their service areas, and, within a reasonable time, potential sources of **recycled water**. (b) **Recycled water** producers and **recycled water** wholesalers may also identify potential uses for **recycled water**, and may assist retail water suppliers in identifying potential customers for **recycled water** service within the service areas of those retail water suppliers. (c) **Recycled water** producers, retail water suppliers, and entities responsible for groundwater replenishment may cooperate in joint technical, economic, and environmental studies, as appropriate, to determine the feasibility of providing **recycled water** service and **recycled water** for groundwater replenishment consistent with the criteria set forth in paragraphs (1) to (3), inclusive, of subdivision (a) of Section 13550 and in accordance with Section 60320 of Title 22 of the California Code of Regulations.

13580. (a) A retail water supplier that has identified a potential use or customer pursuant to Section 13579 may apply to a **recycled water** producer or **recycled water** wholesaler for a **recycled water** supply. (b) A **recycled water** producer or **recycled water** wholesaler that has identified a potential use or customer pursuant to Section 13579 may, in writing, request a retail water supplier to enter into an agreement to provide **recycled water** to the potential customer. (c) A customer may request, in writing, a retailer to enter into an agreement to provide **recycled water** to the customer. (d) (1) An entity responsible for groundwater replenishment that is a customer of a retail water supplier and that has identified the potential use of **recycled water** for groundwater replenishment purposes may, in writing, request that retail water supplier to enter into an agreement to provide **recycled water** for that purpose. That entity may not obtain **recycled water** for that purpose from a **recycled water** producer, a **recycled water** wholesaler, or another retail water supplier without the agreement of the entity's retail water supplier. (2) An entity responsible for groundwater replenishment that is not a customer of a retail water supplier and that has identified the potential use of **recycled water** for groundwater replenishment purposes may, in writing, request a retail water supplier, a **recycled water** producer, or a **recycled water** wholesaler to enter into an agreement to provide **recycled water** for that purpose.

13580.5. (a) (1) Subject to subdivision (e) of Section 13580.7, a retail water supplier that receives a request from a customer pursuant to subdivision (c) of Section 13580 shall enter into an agreement to provide **recycled water**, if **recycled water** is available, or can be made available, to the retail water supplier for sale to the customer. (2) Notwithstanding paragraph (1), in accordance with a written agreement between a **recycled water** producer or a **recycled water** wholesaler and a retail water supplier, the retail water supplier may delegate to a **recycled water** producer or a **recycled water** wholesaler its responsibility under this section to provide **recycled water**. (b) A customer may not obtain **recycled water** from a **recycled water** producer, a **recycled water** wholesaler, or a retail water supplier that is not the retailer without the agreement of the retailer. (c) If either a **recycled water** producer or a **recycled water** wholesaler provides a customer of a retail water supplier with a written statement that it can and will provide **recycled water** to the retailer, the retail water supplier shall, not later than 120 days from the date on which the retail water supplier receives the written statement from the customer, by certified mail, return receipt requested, submit a written offer to the customer. A determination of availability pursuant to Section 13550 is not required. (d) If the state board pursuant to Section 13550 makes a determination that there is available **recycled water** to serve a customer of a retail water supplier, the retail water supplier, not later than 120 days from the date on which the retail water supplier receives a copy of that determination from the customer, by certified mail, return receipt requested, shall submit a written offer to the customer.

13580.7. (a) This section applies only to a retail water supplier that is a public agency. (b) A customer may request, in writing, a retail water supplier to enter into an agreement or adopt **recycled water** rates in order to provide **recycled water** service to the customer. The retail water supplier, by certified mail return receipt requested, shall submit a written offer to the customer not later than 120 days from the date on which the retail water supplier receives the written request from the customer. (c) If no rate is in effect for **recycled water** service within the service area of a retail water supplier, the rate and conditions for **recycled water** service shall be established by contract between the retail water supplier and the customer, not later than 120 days from the

date on which the customer requests a contract, or, by resolution or ordinance by the retail water supplier, not later than 120 days from the date on which the retail water supplier receives the customer's written request for an ordinance or resolution. (d) A rate for **recycled water** service established by contract, ordinance, or resolution, shall reflect a reasonable relationship between the amount of the rate and the retail cost of obtaining or producing the **recycled water**, the cost of conveying the **recycled water**, and overhead expenses for providing **recycled water** service. Capital costs of facilities required to serve the customer shall be amortized over the economic life of the facility, or the length of time the customer agrees to purchase **recycled water**, whichever is less. The rate shall not exceed the estimated reasonable cost of providing the service, and any additional costs agreed to by the customer for **recycled water** supplemental treatment. (e) The rate for **recycled water** shall be comparable to, or less than, the retail water supplier's rate for potable water. If **recycled water** service cannot be provided at a rate comparable to, or less than, the rate for potable water, the retail water supplier is not required to provide the **recycled water** service, unless the customer agrees to pay a rate that reimburses the retail water supplier for the costs described in subdivision (c). (f) The offer required by subdivisions (c) and (d) of Section 13580.5 shall identify all of the following: (1) The source for the **recycled water**. (2) The method of conveying the **recycled water**. (3) A schedule for delivery of the **recycled water**. (4) The terms of service. (5) The rate for the **recycled water**, including the per-unit cost for that water. (6) The costs necessary to provide service and the basis for determining those costs. (g) This section does not apply to **recycled water** service rates established before January 1, 1999, or any amendments to those rates.

13580.8. (a) This section applies only to a retail water supplier that is regulated by the Public Utilities Commission. (b) Rates for **recycled water** that is provided to the customer by a retail water supplier regulated by the Public Utilities Commission shall be established by the commission pursuant to Section 455.1 of the Public Utilities Code. A regulated water utility may request the commission to establish the rate or rates for the delivery of **recycled** or nonpotable water, with the objective of providing, where practicable, a reasonable economic incentive for the customer to purchase **recycled** or nonpotable water in place of potable water. (c) A regulated water utility may propose a rate or rates for **recycled** or nonpotable water by tariff or by contract between the retail water supplier and the customer. Where the rate or rates are set by contract, the water utility and its customer shall meet, confer, and negotiate in good faith to establish a contract rate. (d) The commission shall, as appropriate, provide a discount from the general metered rate of the water utility for potable water by either of the following means: (1) Passing through to the customer the net reduction in cost to the water utility in purchasing and delivering **recycled** or nonpotable water as compared to the cost of purchasing and delivering potable water. (2) Granting to the customer a uniform discount from the water utility's general metered potable water rate when the discount in paragraph (1) is determined to be an insufficient incentive for the customer to convert to the use of **recycled** or nonpotable water. If the commission provides for a discount pursuant to this paragraph that is greater than the water utility's reduction in cost, the commission shall authorize the water utility to include the aggregate amount of that discount in its revenue requirements to be applied to, and recovered in, rates that are applicable to all general metered customers.

13580.9. (a) Notwithstanding any other provision of law, and except as otherwise previously provided for in a contract agreed to by the customer and the City of West Covina, if the purchaser, contractor, or lessee of, or successor to, all or a portion of the water utility owned by the City of West Covina is a retail water supplier that is regulated by the Public Utilities Commission, rates for **recycled** or nonpotable water service to a closed hazardous waste and solid waste facility located within the boundaries of the City of West Covina for the purposes of irrigation, recreation, or dust suppression or any other use at that facility shall be established in accordance with subdivisions (a) to (e), inclusive, of Section 13580.7, and if there is a failure to agree on the terms and conditions of a **recycled** or nonpotable water supply agreement for the delivery of water for those purposes by that purchaser, contractor, lessee, or successor, Section 13581 shall apply. (b) For the purpose of this section, nonpotable water that is not the result of the treatment of waste shall be treated as the equivalent of **recycled water** if it is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefor considered a valuable resource, if the use of that water will not adversely affect downstream water rights, degrade water quality, or be injurious to plant life, fish, or wildlife, as provided by statute or by regulations of the State Department of Health Services and the state board or a regional board, as appropriate.

13581. (a) If there is a failure to agree on terms and conditions of a **recycled water** supply agreement involving a retail water supplier that is a public agency within 180 days from the date of the receipt of a request for **recycled water** pursuant to subdivision (c) of Section 13580, a written statement pursuant to subdivision (c) of

Section 13580.5, or a determination of availability pursuant to subdivision (d) of Section 13580.5, any party may request a formal mediation process. The parties shall commence mediation within 60 days after the mediation request is made. If the parties cannot agree on a mediator, the director shall appoint a mediator. The mediator may recommend to the parties appropriate terms and conditions applicable to the service of **recycled water**. The cost for the services of the mediator shall be divided equally among the parties to the mediation and shall not exceed twenty thousand dollars (\$20,000). (b) If the parties in mediation reach agreement, both parties together shall draft the contract for the **recycled water** service. The parties shall sign the contract within 30 days. (c) If the parties in mediation fail to reach agreement, the affected retail water supplier shall, within 30 days, by resolution or ordinance, adopt a rate for **recycled water** service. The agency action shall be subject to validating proceedings pursuant to Chapter 9 (commencing with Section 860) of Part 2 of Title 10 of the Code of Civil Procedure, except that there shall not be a presumption in favor of the retail water supplier under the action taken to set the rate for **recycled water** service. The mediator shall file a report with the superior court setting forth the recommendations provided to the parties regarding appropriate terms and conditions applicable to the service of **recycled water**. Each party shall bear its own costs and attorney's fees.

13581.2. If the retail water supplier is regulated by the Public Utilities Commission, and there is a failure to agree on terms and conditions of a **recycled water** supply agreement with a customer within 180 days from the date of the receipt of a request for **recycled water** pursuant to subdivision (c) of Section 13580, a written statement pursuant to subdivision (c) of Section 13580.5, or a determination of availability pursuant to subdivision (d) of Section 13580.5, the matter shall be submitted to the Public Utilities Commission for resolution, and the commission shall determine a contract rate or rates for **recycled water** as provided in Section 13580.8.

13582. This chapter is not intended to alter either of the following: (a) Any rights, remedies, or obligations which may exist pursuant to Article 1.5 (commencing with Section 1210) of Chapter 1 of Part 2 of Division 2 of this code or Chapter 8.5 (commencing with Section 1501) of Part 1 of Division 1 of the Public Utilities Code. (b) Any rates established or contracts entered into prior to January 1, 1999.

13583. (a) If a retail water supplier that is a public agency does not comply with this chapter, the customer may petition a court for a writ of mandate pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure. (b) If a retail water supplier is regulated by the Public Utilities Commission and does not comply with this chapter, the Public Utilities Commission may order the retailer to comply with this chapter after receiving a petition from the customer specifying the provisions of this chapter with which the retailer has failed to comply.

## **Recycled Water and Water Supply Augmentation**

### **WATER CODE SECTIONS 13510-13512**

13510. It is hereby declared that the people of the state have a primary interest in the development of facilities to **recycle** water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state.

13511. The Legislature finds and declares that a substantial portion of the future water requirements of this state may be economically met by beneficial use of **recycled water**. The Legislature further finds and declares that the utilization of **recycled water** by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife purposes will contribute to the peace, health, safety and welfare of the people of the state. Use of **recycled water** constitutes the development of "new basic water supplies" as that term is used in Chapter 5 (commencing with Section 12880) of Part 6 of Division 6.

13512. It is the intention of the Legislature that the state undertake all possible steps to encourage development of **water recycling** facilities so that **recycled water** may be made available to help meet the growing water requirements of the state.

**WATER CODE SECTION 13142.5**

(e) (1) Adequately treated **recycled water** should, where feasible, be made available to supplement existing surface and underground supplies and to assist in meeting future water requirements of the coastal zone, and consideration, in statewide programs of financial assistance for water pollution or water quality control, shall be given to providing optimum **water recycling** and use of **recycled water**.

**WATER CODE SECTIONS 78500-78500.2**

78500. This division shall be known and may be cited as the Safe, Clean, Reliable Water Supply Act.

78500.2. In placing this measure before the voters, the Legislature hereby finds and declares all of the following: (a) The state faces a water crisis that threatens our economy and environment. (b) The state's growing population has increasing needs for safe water supplies which are essential to the public health, safety, and welfare. (c) It is of paramount importance that the limited water resources of the state be protected from pollution, and conserved and **recycled** whenever economically, environmentally, and technically feasible. (d) The state should plan to meet the water supply needs of all beneficial uses of water, including urban, agricultural, and environmental, utilizing a wide range of strategies including water conservation and **recycling**, conjunctive use of surface and groundwater supplies, water transfers, and improvements in the state's water storage and delivery systems to meet the growing water needs of the state. (e) This measure is a necessary first step toward providing for the state's long-term water supply requirements through a number of water management strategies. (f) The San Francisco Bay/Sacramento San Joaquin Delta Estuary (the Bay-Delta) is of statewide and national importance. The Bay-Delta provides habitat for more than 120 species of fish and wildlife and serves as a major link in our water delivery system for businesses and farms statewide and more than 22 million residents. (g) The state has signed an historic accord with federal officials and statewide water interests that calls for the development of a comprehensive and long-term solution for the water supply reliability, water quality, and environmental problems of the Bay-Delta. (h) Federal and state representatives have initiated a program known as CALFED, to develop a comprehensive and long-term solution to the problems associated with the Bay-Delta, including an equitable allocation of program costs among beneficiary groups. The success of the CALFED program is vital to the environmental and economic well-being of the state.

**HEALTH AND SAFETY CODE SECTION 116551**

The department shall not issue a permit to a public water system or amend a valid existing permit for the use of a reservoir as a source of supply that is directly augmented with **recycled water**, as defined in subdivision (n) of Section 13050 of the Water Code, unless the department does all of the following: (a) Performs an engineering evaluation that evaluates the proposed treatment technology and finds that the proposed technology will ensure that the **recycled water** meets or exceeds all applicable primary and secondary drinking water standards and poses no significant threat to public health. (b) Holds at least three duly noticed public hearings in the area where the **recycled water** is proposed to be used or supplied for human consumption to receive public testimony on that proposed use. The department shall make available to the public, not less than 10 days prior to the date of the first hearing held pursuant to this subdivision, the evaluations and findings made pursuant to subdivision (a).

**TITLE 22 CODE OF REGULATIONS - SECTION 60320**

60320. Groundwater recharge - (a) **Reclaimed water** used for groundwater recharge of domestic water supply aquifers by surface spreading shall be at all times of a quality that fully protects public health. The State Department of Health Services' recommendations to the Regional Water Quality Control Boards for proposed groundwater recharge projects and for expansion of existing projects will be made on an individual case basis where the use of **reclaimed water** involves a potential risk to public health. (b) The State Department of Health Services' recommendations will be based on all relevant aspects of each project, including the following factors: treatment provided; effluent quality and quantity; spreading area operations; soil characteristics; hydrogeology; residence time; and distance to withdrawal. (c) The State Department of Health Services will hold a public hearing prior to making the final determination regarding the public health aspects of each groundwater recharge project. Final recommendations will be submitted to the Regional Water Quality Control Board in an expeditious manner.

## **Recycled Water and Water Management Planning**

### **WATER CODE SECTIONS 10610-10610.2**

10610. This part shall be known and may be cited as the “Urban Water Management Planning Act.”

10610.2. (a) The Legislature finds and declares all of the following: (1) The waters of the state are a limited and renewable resource subject to ever-increasing demands. (2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level. (3) A long-term, reliable supply of water is essential to protect the productivity of California’s businesses and economic climate. (4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water years. (5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies. (6) Implementing effective water management strategies, including groundwater storage projects and **recycled water** projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of **recycled water**. (7) Water quality regulations are becoming an increasingly important factor in water agencies’ selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities. (8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability. (9) The quality of source supplies can have a significant impact on water management strategies and supply reliability. (b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

### **WATER CODE SECTION 10630**

It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

### **WATER CODE SECTION 10631**

A plan shall be adopted in accordance with this chapter ...

### **WATER CODE SECTION 10633**

The plan shall provide, to the extent available, information on **recycled water** and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier’s service area, and shall include all of the following: (a) A description of the wastewater collection and treatment systems in the supplier’s service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal. (b) A description of the quantity of treated wastewater that meets **recycled water** standards, is being discharged, and is otherwise available for use in a **recycled water** project. (c) A description of the **recycled water** currently being used in the supplier’s service area, including, but not limited to, the type, place, and quantity of use. (d) A description and quantification of the potential uses of **recycled water**, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial **reuse**, groundwater recharge, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses. (e) The projected use of **recycled water** within the supplier’s service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of **recycled water** in comparison to uses previously projected pursuant to this subdivision. (f) A description of actions, including financial incentives, which may be taken to encourage the use of **recycled water**, and the projected results of these actions in terms of acre-feet of **recycled water** used per year. (g) A plan for optimizing the use of **recycled water** in the supplier’s service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets **recycled water** standards, and to overcome any obstacles to achieving that increased use.

## Recycled Water and California Water Plan Update

### WATER CODE SECTIONS 10004-10004.6

10004. (a) The plan for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state which is set forth and described in Bulletin No. 1 of the State Water Resources Board entitled “Water Resources of California,” Bulletin No. 2 of the State Water Resources Board entitled, “Water Utilization and Requirements of California,” and Bulletin No. 3 of the department entitled, “The California Water Plan,” with any necessary amendments, supplements, and additions to the plan, shall be known as “The California Water Plan.” (b) (1) The department shall update The California Water Plan on or before December 31, 2003, and every five years thereafter. The department shall report the amendments, supplements, and additions included in the updates of The California Water Plan, together with a summary of the department’s conclusions and recommendations, to the Legislature in the session in which the updated plan is issued. (2) The department shall establish an advisory committee, comprised of representatives of agricultural and urban water suppliers, local government, business, production agriculture, and environmental interests, and other interested parties, to assist the department in the updating of The California Water Plan. The department shall consult with the advisory committee in carrying out this section. The department shall provide written notice of meetings of the advisory committee to any interested person or entity that request the notice. The meetings shall be open to the public. (3) The department shall release a preliminary draft of The California Water Plan, as updated, upon request, to interested persons and entities throughout the state for their review and comments. The department shall provide these persons and entities an opportunity to present written or oral comments on the preliminary draft. The department shall consider these comments in the preparation of the final publication of The California Water Plan, as updated.

10004.5. As part of the requirement of the department to update The California Water Plan pursuant to subdivision (b) of Section 10004, the department shall include in the plan a discussion of various strategies, including, but not limited to, those relating to the development of new water storage facilities, water conservation, **water recycling**, desalination, conjunctive use, and water transfers that may be pursued in order to meet the future **water** needs of the state. The department shall also include a discussion of the potential for alternative **water** pricing policies to change current and projected uses. The department shall include in the plan a discussion of the potential advantages and disadvantages of each strategy and an identification of all federal and state permits, approvals, or entitlements that are anticipated to be required in order to implement the various components of the strategy.

10004.6. (a) As part of updating The California Water Plan every five years pursuant to subdivision (b) of Section 10004, the department shall conduct a study to determine the amount of water needed to meet the state’s future needs and to recommend programs, policies, and facilities to meet those needs. (b) The department shall consult with the advisory committee established pursuant to subdivision (b) of Section 10004 in carrying out this section. (c) On or before January 1, 2002, and one year prior to issuing each successive update to The California Water Plan, the department shall release a preliminary draft of the assumptions and other estimates upon which the study will be based, to interested persons and entities throughout the state for their review and comments. The department shall provide these persons and entities an opportunity to present written or oral comments on the preliminary draft. The department shall consider these documents when adopting the final assumptions and estimates for the study. For the purpose of carrying out this subdivision, the department shall release, at a minimum, assumptions and other estimates relating to all of the following: (1) Basin hydrology, including annual rainfall, estimated unimpaired stream flow, depletions, and consumptive uses. (2) Groundwater supplies, including estimates of sustainable yield, supplies necessary to recover overdraft basins, and supplies lost due to pollution and other groundwater contaminants. (3) Current and projected land use patterns, including the mix of residential, commercial, industrial, agricultural, and undeveloped lands. (4) Environmental water needs, including regulatory instream flow requirements, nonregulated instream uses, and water needs by wetlands, preserves, refuges, and other managed and unmanaged natural resource lands. (5) Current and projected population. (6) Current and projected water use for all of the following: (A) Interior uses in a single-family dwelling. (B) Exterior uses in a single-family dwelling. (C) All uses in a multifamily dwelling. (D) Commercial uses. (E) Industrial uses. (F) Parks and open spaces. (7) Evapotranspiration rates for major crop types, including estimates of evaporative losses by irrigation practice and the extent to which evaporation reduces transpiration.

(8) Current and projected adoption of urban and agricultural conservation practices. (9) Current and projected supplies of water provided by **water recycling** and **reuse**. (d) The department shall include a discussion of the potential for alternative water pricing policies to change current and projected water uses identified pursuant to paragraph (6) of subdivision (c). (e) Nothing in this section requires or prohibits the department from updating any data necessary to update The California Water Plan pursuant to subdivision (b) of Section 10004.

## Recycled Water / Water Quality Control

### WATER CODE SECTIONS 13142 - 13142.5

13142. State policy for water quality control shall consist of all or any of the following: (a) Water quality principles and guidelines for long-range resource planning, including ground **water** and surface water management programs and control and use of **recycled water**. (b) Water quality objectives at key locations for planning and operation of water resource development projects and for water quality control activities. (c) Other principles and guidelines deemed essential by the state board for water quality control. The principles, guidelines, and objectives shall be consistent with the state goal of providing a decent home and suitable living environment for every Californian.

13142.5. In addition to any other policies established pursuant to this division, the policies of the state with respect to water quality as it relates to the coastal marine environment are that: (a) Wastewater discharges shall be treated to protect present and future beneficial uses, and, where feasible, to restore past beneficial uses of the receiving waters. Highest priority shall be given to improving or eliminating discharges that adversely affect any of the following: (1) Wetlands, estuaries, and other biologically sensitive sites. (2) Areas important for water contact sports. (3) Areas that produce shellfish for human consumption. (4) Ocean areas subject to massive waste discharge. Ocean chemistry and mixing processes, marine life conditions, other present or proposed outfalls in the vicinity, and relevant aspects of areawide waste treatment management plans and programs, but not of convenience to the discharger, shall for the purposes of this section, be considered in determining the effects of such discharges. Toxic and hard-to-treat substances should be pretreated at the source if such substances would be incompatible with effective and economical treatment in municipal treatment plants. (b) For each new or expanded coastal powerplant or other industrial installation using seawater for cooling, heating, or industrial processing, the best available site, design, technology, and mitigation measures feasible shall be used to minimize the intake and mortality of all forms of marine life. (c) Where otherwise permitted, new warmed or cooled water discharges into coastal wetlands or into areas of special biological importance, including marine reserves and kelp beds, shall not significantly alter the overall ecological balance of the receiving area. (d) Independent baseline studies of the existing marine system should be conducted in the area that could be affected by a new or expanded industrial facility using seawater in advance of the carrying out of the development. (e) (1) Adequately treated **recycled water** should, where feasible, be made available to supplement existing surface and underground supplies and to assist in meeting future water requirements of the coastal zone, and consideration, in statewide programs of financial assistance for water pollution or water quality control, shall be given to providing optimum **water recycling** and use of **recycled water**. (2) If **recycled water** is available for industrial use, any discharge to waters in the coastal zone, including the San Francisco Bay, after industrial use, may be authorized if all of the following conditions are met: (A) The discharge will not unreasonably affect beneficial uses. (B) The discharge is consistent with applicable water quality control plans and state policy for water quality control. (C) The use of **recycled water** is consistent with Chapter 7 (commencing with Section 13500). (D) The discharge is consistent with all applicable requirements of Chapter 5.5 (commencing with Section 13370). (E) The discharge is to the same general receiving water location as that to which the wastewater would be discharged if not reused. (3) Any requirement imposed pursuant to Section 13263 or 13377 shall be adjusted to reflect a credit for waste present in the **recycled water** before **reuse**. The credit shall be limited to the difference between the amount of waste present in the nonrecycled water supply otherwise available to the industry and the amount of waste present in the **recycled water**. (4) If the amount of waste in the discharge exceeds prescribed requirements because the amount of waste in the **recycled water** is in excess of that agreed to be furnished by the supplier to the discharger, no enforcement action shall be taken against the discharger unless both of the following statements apply: (A) The supplier of the **recycled water** fails to correct the problem within 30 days after the cause of the problem is identified, or within any greater period of time agreed to by the appropriate regional board. (B) The discharger continues to receive the **recycled water** from the supplier. (f) This section shall not apply to industrial discharges into publicly owned treatment works.



## Recycled Water and Conservation / Unreasonable Use of Water

### WATER CODE SECTION 461

It is hereby declared that the primary interest of the people of the state in the conservation of all available water resources requires the maximum **reuse of reclaimed water** in the satisfaction of requirements for beneficial uses of water.

### WATER CODE SECTIONS 13550-13556

13550. (a) The Legislature hereby finds and declares that the use of potable domestic water for nonpotable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if **recycled water** is available which meets all of the following conditions, as determined by the state board, after notice to any person or entity who may be ordered to use **recycled water** or to cease using potable water and a hearing held pursuant to Article 2 (commencing with Section 648) of Chapter 1.5 of Division 3 of Title 23 of the California Code of Regulations: (1) The source of **recycled water** is of adequate quality for these uses and is available for these uses. In determining adequate quality, the state board shall consider all relevant factors, including, but not limited to, food and employee safety, and level and types of specific constituents in the **recycled water** affecting these uses, on a user-by-user basis. In addition, the state board shall consider the effect of the use of **recycled water** in lieu of potable water on the generation of hazardous waste and on the quality of wastewater discharges subject to regional, state, or federal permits. (2) The **recycled water** may be furnished for these uses at a reasonable cost to the user. In determining reasonable cost, the state board shall consider all relevant factors, including, but not limited to, the present and projected costs of supplying, delivering, and treating potable domestic water for these uses and the present and projected costs of supplying and delivering **recycled water** for these uses, and shall find that the cost of supplying the treated **recycled water** is comparable to, or less than, the cost of supplying potable domestic water. (3) After concurrence with the State Department of Health Services, the use of **recycled water** from the proposed source will not be detrimental to public health. (4) The use of **recycled water** for these uses will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plantlife, fish, and wildlife. (b) In making the determination pursuant to subdivision (a), the state board shall consider the impact of the cost and quality of the nonpotable water on each individual user. (c) The state board may require a public agency or person subject to this article to furnish information which the state board determines to be relevant to making the determination required in subdivision (a).

13551. A person or public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, shall not use water from any source of quality suitable for potable domestic use for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses if suitable **recycled water** is available as provided in Section 13550; however, any use of **recycled water** in lieu of water suitable for potable domestic use shall, to the extent of the **recycled water** so used, be deemed to constitute a reasonable beneficial use of that water and the use of **recycled water** shall not cause any loss or diminution of any existing water right.

13552. The amendments to Sections 13550 and 13551 of the Water Code made during the first year of the 1991-92 Regular Session are not intended to alter any rights, remedies, or obligations which may exist prior to January 1, 1992, pursuant to, but not limited to, those sections or Chapter 8.5 (commencing with Section 1501) of Part 1 of Division 1 of the Public Utilities Code.

13552.2. (a) The Legislature hereby finds and declares that the use of potable domestic water for the irrigation of residential landscaping is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if **recycled water**, for this use, is available to the residents and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing. (b) The state board may require a public agency or person subject to this section to submit information that the state board determines may be relevant in making the determination required in subdivision (a).

13552.4. (a) Any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, may require the use of **recycled water** for irrigation of residential landscaping, if all of the following requirements are met: (1) **Recycled water**, for this use, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing. (2) The use of **recycled water** does not cause any loss or diminution of any existing water right. (3) The irrigation systems are constructed in accordance with Chapter 3 (commencing with Section 60301) of Division 4 of Title 22 of the California Code Regulations. (b) This section applies to both of the following: (1) New subdivisions for which the building permit is issued on or after March 15, 1994, or, if a building permit is not required, new structures for which construction begins on or after March 15, 1994, for which the State Department of Health Services has approved the use of **recycled water**. (2) Any residence that is retrofitted to permit the use of **recycled water** for landscape irrigation and for which the State Department of Health Services has approved the use of **recycled water**. (c) (1) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any project which only involves the repiping, redesign, or use of **recycled water** for irrigation of residential landscaping necessary to comply with a requirement prescribed by a public agency under subdivision (a). (2) The exemption in paragraph (1) does not apply to any project to develop **recycled water**, to construct conveyance facilities for **recycled water**, or any other project not specified in this subdivision.

13552.6. (a) The Legislature hereby finds and declares that the use of potable domestic water for floor trap priming, cooling towers, and air-conditioning devices is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if **recycled water**, for these uses, is available to the user, and the water meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing. (b) The state board may require a public agency or person subject to this section to submit information that the state board determines may be relevant in making the determination required in subdivision (a).

13552.8. (a) Any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, may require the use of **recycled water** in floor trap priming, cooling towers, and air-conditioning devices, if all of the following requirements are met: (1) **Recycled water**, for these uses, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing. (2) The use of **recycled water** does not cause any loss or diminution of any existing water right. (3) If public exposure to aerosols, mist, or spray may occur, appropriate mist mitigation or mist control is provided, such as the use of mist arrestors or the addition of biocides to the water in accordance with criteria established pursuant to Section 13521. (4) The person intending to use **recycled water** has prepared an engineering report pursuant to Section 60323 of Title 22 of the California Code of Regulations that includes plumbing design, cross-connection control, and monitoring requirements for the public agency, which are in compliance with criteria established pursuant to Section 13521. (b) This section applies to both of the following: (1) New industrial facilities and subdivisions for which the building permit is issued on or after March 15, 1994, or, if a building permit is not required, new structures for which construction begins on or after March 15, 1994, for which the State Department of Health Services has approved the use of **recycled water**. (2) Any structure that is retrofitted to permit the use of **recycled water** for floor traps, cooling towers, or air-conditioning devices, for which the State Department of Health Services has approved the use of **recycled water**. (c) (1) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any project which only involves the repiping, redesign, or use of **recycled water** for floor trap priming, cooling towers, or air-conditioning devices necessary to comply with a requirement prescribed by a public agency under subdivision (a). (2) The exemption in paragraph (1) does not apply to any project to develop **recycled water**, to construct conveyance facilities for **recycled water**, or any other project not specified in this subdivision.

13553. (a) The Legislature hereby finds and declares that the use of potable domestic water for toilet and urinal flushing in structures is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if **recycled water**, for these uses, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing. (b) The state board may require a public agency or person subject to this section to furnish whatever information may be relevant to making the determination required in subdivision (a). (c) For the purposes of this section and Section 13554, "structure" or "structures" means commercial, retail, and office buildings, theaters, auditoriums, schools, hotels, apartments, barracks, dormitories, jails, prisons, and reformatories, and other structures as determined by the

State Department of Health Services. (d) Nothing in this section or Section 13554 applies to a pilot program adopted pursuant to Section 13553.1.

13553.1. (a) The Legislature hereby finds and declares that certain coastal areas of the state have been using sea water to flush toilets and urinals as a means of conserving potable water; that this practice precludes the beneficial **reuse** of treated wastewater and has had a deleterious effect on the proper wastewater treatment process, and has led to corrosion of the sea water distribution pipelines and wastewater collection systems; and that this situation must be changed. (b) There is a need for a pilot program to demonstrate that conversion to the use of **recycled water** in residential buildings for toilet and urinal flushing does not pose a threat to public health and safety. (c) A city that is providing a separate distribution system for sea water for use in flushing toilets and urinals in residential structures may, by ordinance, authorize the use of **recycled water** for the flushing of toilets and urinals in residential structures if the level of treatment and the use of the **recycled water** meets the criteria set by the State Department of Health Services.

13554. (a) Any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, may require the use of **recycled water** for toilet and urinal flushing in structures, except a mental hospital or other facility operated by a public agency for the treatment of persons with mental disorders, if all of the following requirements are met: (1) **Recycled water**, for these uses, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing. (2) The use of **recycled water** does not cause any loss or diminution of any existing water right. (3) The public agency has prepared an engineering report pursuant to Section 60323 of Title 22 of the California Code of Regulations that includes plumbing design, cross-connection control, and monitoring requirements for the use site, which are in compliance with criteria established pursuant to Section 13521. (b) This section applies only to either of the following: (1) New structures for which the building permit is issued on or after March 15, 1992, or, if a building permit is not required, new structures for which construction begins on or after March 15, 1992. (2) Any construction pursuant to subdivision (a) for which the State Department of Health Services has, prior to January 1, 1992, approved the use of **recycled water**. (c) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any project which only involves the repiping, redesign, or use of **recycled water** by a structure necessary to comply with a requirement issued by a public agency under subdivision (a). This exemption does not apply to any project to develop **recycled water**, to construct conveyance facilities for **recycled water**, or any other project not specified in this subdivision.

13554.2. (a) Any person or entity proposing the use of **recycled water** shall reimburse the State Department of Health Services for reasonable costs that department actually incurs in performing duties pursuant to this chapter. (b) (1) Upon a request from the person or entity proposing the use of **recycled water**, the State Department of Health Services shall, within a reasonable time after the receipt of the request, provide an estimate of the costs that it will reasonably incur in the performance of its duties pursuant to this chapter. (2) For purposes of implementing subdivision (a), that department shall maintain a record of its costs. In determining those costs, that department may consider costs that include, but are not limited to, costs relating to personnel requirements, materials, travel, and office overhead. The amount of reimbursement shall be equal to, and may not exceed, that department's actual costs. (c) With the consent of the person or entity proposing the use of **recycled water**, the State Department of Health Services may delegate all or part of the duties that department performs pursuant to this chapter within a county to a local health agency authorized by the board of supervisors to assume these duties, if, in the judgment of that department, the local health agency can perform these duties. Any person or entity proposing the use of **recycled water** shall reimburse the local health agency for reasonable costs that the local health agency actually incurs in the performance of its duties delegated pursuant to this subdivision. (d) (1) Upon a request from the person or entity proposing the use of **recycled water**, the local health agency shall, within a reasonable time after the receipt of the request, provide an estimate of the cost it will reasonably incur in the performance of its duties delegated under subdivision (c). (2) The local health agency, if delegated duties pursuant to subdivision (c), shall maintain a record of its costs that include, but is not limited to, costs relating to personnel requirements, materials, travel, and office overhead. The amount of reimbursement shall be equal to, and may not exceed, the local health agency's actual costs. (e) The State Department of Health Services or local health agency shall complete its review of a proposed use of **recycled water** within a reasonable period of time. That department shall submit to the person or entity proposing the use of **recycled water** a written determination as to whether the proposal submitted is complete for purposes of review within 30 days from the date of receipt of the proposal and shall approve or disapprove the proposed use within 30 days from the date on which that

department determines that the proposal is complete. (f) An invoice for reimbursement of services rendered shall be submitted to the person or entity proposing the use of **recycled water** subsequent to completion of review of the proposed use, or other services rendered, that specifies the number of hours spent by the State Department of Health Services or local health agency, specific tasks performed, and other costs actually incurred. Supporting documentation, including receipts, logs, timesheets, and other standard accounting documents, shall be maintained by that department or local health agency and copies, upon request, shall be provided to the person or entity proposing the use of **recycled water**. (g) For the purposes of this section, “person or entity proposing the use of **recycled water**” means the producer or distributor of **recycled water** submitting a proposal to the department.

13554.3. The State Water Resources Control Board may establish a reasonable schedule of fees by which it is reimbursed for the costs it incurs pursuant to Sections 13553 and 13554.

13555.2. The Legislature hereby finds and declares that many local agencies deliver **recycled water** for nonpotable uses and that the use of **recycled water** is an effective means of meeting the demands for new water caused by drought conditions or population increases in the state. It is the intent of the Legislature to encourage the design and construction of water delivery systems on private property that deliver water for both potable and nonpotable uses in separate pipelines.

13555.3. (a) Water delivery systems on private property that could deliver **recycled water** for nonpotable uses described in Section 13550, that are constructed on and after January 1, 1993, shall be designed to ensure that the water to be used for only potable domestic uses is delivered, from the point of entry to the private property to be served, in a separate pipeline which is not used to deliver the **recycled water**. (b) This section applies to water delivery systems on private property constructed within either of the following jurisdictions: (1) One that has an urban water management plan that includes the intent to develop **recycled water** use. (2) One that does not have an urban **water** management plan that includes **recycled water** use, but that is within five miles of a jurisdiction that does have an urban water management plan that includes **recycled water** use, and has indicated a willingness to serve the water delivery system. (c) This section does not preempt local regulation of the delivery of water for potable and nonpotable uses and any local governing body may adopt requirements which are more restrictive than the requirements of this section.

13556. In addition to any other authority provided in law, any water supplier described in subdivision (b) of Section 1745 may acquire, store, provide, sell, and deliver **recycled water** for any beneficial use, including, but not limited to, municipal, industrial, domestic, and irrigation uses, if the water use is in accordance with statewide **recycling** criteria and regulations established pursuant to this chapter.

#### **STREETS AND HIGHWAYS CODE SECTION 92.3**

- (a) The department shall do both of the following: (1) Discontinue further water intensive freeway landscaping and use drought resistant landscaping whenever feasible, taking into consideration such factors as erosion control and fire retardant needs. (2) Eliminate any dependency on imported water for landscaping as soon as practicable.
- (b) The department shall require the use of **recycled water** for the irrigation of freeway landscaping when it finds and determines that all of the following conditions exist: (1) The **recycled water** is of adequate quality and is available in adequate quantity for the proposed use. (2) The proposed use of the **recycled water** is approved by the California regional water quality control board having jurisdiction. (3) There is a direct benefit to the state highway program for the proposed use of **recycled water**. (4) The **recycled water** is supplied by a local public agency or water public utility able to contract for delivery of water and the installation, maintenance, and repair of facilities to deliver the water. (5) The installation of the water delivery facilities does not unreasonably increase any hazard to vehicles on the freeway or create unreasonable problems of highway maintenance and repair.
- (c) In cooperation with local public agencies and water public utilities, the department shall permit local public agencies and water public utilities to place transmission lines for **recycled water** in freeway rights-of-way for use by the local public agencies and water public utilities to transmit **recycled water** to others, when to do so will promote a beneficial use of **recycled water** and that transmission does not unreasonably interfere

with use of the freeway or unreasonably increase any hazard to vehicles on the freeway, subject to paragraphs (1) to (5), inclusive, of subdivision (b) and the following additional requirements: (1) The local public agency or water public utility holds the department harmless for any liability caused by a disruption of service to other users of the **recycled water** and will defend the department in any resulting legal action and pay any damages awarded as a result of that disruption. (2) The department, in cooperation with the local public agency or water public utility, may temporarily interrupt service in order to add to or modify its facilities without liability, as specified in paragraph (1). (3) The local public agency or water public utility obtains and furnishes the department an agreement by all other users of **recycled water** from the transmission system holding the department harmless for any disruption in service. (4) The local public agency or water public utility has furnished the department a list of other **recycled water** users and information on any backup system or other source of water available for use in case of a service disruption. (5) The local public agency is responsible for the initial cost or any relocation cost of the **recycled water** transmission lines for service to other users in the right-of-way and waives its rights to require the department to pay the relocation costs pursuant to Sections 702 and 704. (6) The local public agency or water public utility maintains the water transmission system subject to reasonable access for maintenance purposes to be negotiated between the department and the local public agency or water public utility. (7) The department has first priority with respect to the **recycled water** supply contracted for by the department. (8) The local public agency or water public utility installs an automatic control system which will allow the water transmission system to be shut down in case of an emergency. The department shall have access to all parts of the transmission system for purposes of the agreement. (9) All transmission lines are placed underground and as close as possible to the freeway right-of-way boundary or at other locations authorized by the department. (10) The plans and specifications for the **recycled water** transmission facilities have been approved by the department prior to construction.

- (d) As used in this section: (1) “Local public agency” means any local public agency which transmits or supplies **recycled water** to others. (2) “Water public utility” means any privately owned water corporation which is subject to the jurisdiction and control of the Public Utilities Commission.

## **Recycled Water - Water Recycling in Landscaping Act**

### **GOVERNMENT CODE SECTIONS 65601-65607**

65601. This article shall be known and may be cited as the **Water Recycling** in Landscaping Act.

65602. The Legislature finds and declares all of the following: (a) The waters of the state are of limited supply and are subject to ever-increasing demands. (b) The continuation of California’s economic prosperity is dependent on adequate supplies of water being available for future uses. (c) It is the policy of the state to promote the efficient use of water through the development of **water recycling** facilities. (d) Landscape design, installation, and maintenance can and should be water efficient. (e) The use of potable domestic water for landscaped areas is considered a waste or unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if **recycled water** is available that meets the conditions described in Section 13550 of the Water Code.

65603. Unless the context requires otherwise, the definitions used in this section govern the construction of this article: (a) “Designated **recycled water** use area” means areas within the boundaries of the local agency that can or may in the future be served with **recycled water** in lieu of potable water and are so designated by the local agency. (b) “Local agency” means any city, county, or city and county. (c) “**Recycled water** producer” means any local public or private entity that produces **recycled water** in accordance with the conditions described in Section 13550 of the Water Code.

65604. If a **recycled water** producer determines that within 10 years the **recycled water** producer will provide **recycled water** within the boundaries of a local agency that meets all of the conditions described in Section 13550 of the Water Code, the **recycled water** producer shall notify the local agency of that fact and shall identify in the notice the area that is eligible to receive the **recycled water**, and the necessary infrastructure that the **recycled water** producer or retail water supplier will provide to support delivery of the **recycled water**.

65605. (a) Within 180 days of receipt of notification from a **recycled water** producer pursuant to Section 65604, the local agency shall adopt and enforce a **recycled water** ordinance pursuant to this article. (b) The ordinance shall include, but not be limited to, provisions that do all of the following: (1) State that it is the policy of the local agency that **recycled water** determined to be available pursuant to Section 13550 of the Water Code shall be used for nonpotable uses within the designated **recycled water** use area set forth by the local agency when the local agency determines that there is not an alternative higher or better use for the **recycled water**, its use is economically justified, and its use is financially and technically feasible for projects under consideration by the local agency. (2) Designate the areas within the boundaries of the local agency that can or may in the future use **recycled water**, including, but not limited to, existing urban areas in lieu of potable water. (3) Establish general rules and regulations governing the use and distribution of **recycled water** in accordance with applicable laws and regulations. (4) Establish that the use of the **recycled water** is determined to be available pursuant to Section 13550 of the Water Code in new industrial, commercial, or residential subdivisions located within the designated **recycled water** use areas for which a tentative map or parcel map is required pursuant to Section 66426. These provisions shall require a separate plumbing system to serve nonpotable uses in the common areas of the subdivision, including, but not limited to, golf courses, parks, greenbelts, landscaped streets, and landscaped medians. The separate plumbing system to serve nonpotable uses shall be independent of the plumbing system provided to serve domestic, residential, and other potable water uses in the subdivision. (5) Require that **recycled water** service shall not commence within the designated **recycled water** use area in any service area of a private utility, as defined in Section 1502 of the Public Utilities Code, or to any service area of a public agency retail water supplier that is not a local agency, as defined in subdivision (b) of Section 65603, except in accordance with a written agreement between the **recycled water** producer and the private utility or public agency retail water supplier that shall be made available in a timely manner by the **recycled water** producer to the local agency adopting the ordinance pursuant to this article.

65606. The **recycled water** ordinance adopted by a local agency pursuant to Section 65605 shall not apply to either of the following: (a) A tentative map as defined in Section 66424.5, or a development, as defined in Section 65927, that was approved by the local agency prior to the receipt of notification from a **recycled water** producer pursuant to Section 65604. (b) A subdivision map application that is deemed complete pursuant to Section 65943 prior to the local agency's receipt of a notice from a **recycled water** producer pursuant to Section 65604.

65607. (a) This article shall not apply to any local agency that adopted a **recycled water** ordinance or other regulation requiring the use of **recycled water** in its jurisdiction prior to January 1, 2001. (b) This article does not alter any rights, remedies, or obligations that may exist pursuant to Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code. (c) This article does not alter any rights, remedies, or obligations that may exist pursuant to Chapter 8.5 (commencing with Section 1501) of Part 1 of Division 1 of the Public Utilities Code.

## **Recycled Water - Different Uses**

### **TITLE 22 CODE OF REGULATIONS SECTIONS 60303-60310**

60303. Exceptions -The requirements set forth in this chapter shall not apply to the use of **recycled water** onsite at a **water recycling** plant, or wastewater treatment plant, provided access by the public to the area of onsite **recycled water** use is restricted.

60304. Use of **recycled water** for irrigation - (a) **Recycled water** used for the surface irrigation of the following shall be a disinfected tertiary **recycled water**, except that for filtration pursuant to Section 60301.320(a) coagulation need not be used as part of the treatment process provided that the filter effluent turbidity does not exceed 2 NTU, the turbidity of the influent to the filters is continuously measured, the influent turbidity does not exceed 5 NTU for more than 15 minutes and never exceeds 10 NTU, and that there is the capability to automatically activate chemical addition or divert the wastewater should the filter influent turbidity exceed 5 NTU for more than 15 minutes: (1) Food crops, including all edible root crops, where the **recycled water** comes into contact with the edible portion of the crop, (2) Parks and playgrounds, (3) School yards, (4) Residential landscaping, (5) Unrestricted access golf courses, and (6) Any other irrigation use not specified in this section and not prohibited by other sections of the California Code of Regulations. (b) **Recycled water** used for the

surface irrigation of food crops where the edible portion is produced above ground and not contacted by the **recycled water** shall be at least disinfected secondary-2.2 **recycled water**. (c) **Recycled water** used for the surface irrigation of the following shall be at least disinfected secondary-23 **recycled water**: (1) Cemeteries, (2) Freeway landscaping, (3) Restricted access golf courses, (4) Ornamental nursery stock and sod farms where access by the general public is not restricted, (5) Pasture for animals producing milk for human consumption, and (6) Any nonedible vegetation where access is controlled so that the irrigated area cannot be used as if it were part of a park, playground or school yard (d) **Recycled wastewater** used for the surface irrigation of the following shall be at least undisinfected **secondary recycled water**: (1) Orchards where the **recycled water** does not come into contact with the edible portion of the crop, (2) Vineyards where the **recycled water** does not come into contact with the edible portion of the crop, (3) Non food-bearing trees (Christmas tree farms are included in this category provided no irrigation with **recycled water** occurs for a period of 14 days prior to harvesting or allowing access by the general public), (4) Fodder and fiber crops and pasture for animals not producing milk for human consumption, (5) Seed crops not eaten by humans, (6) Food crops that must undergo commercial pathogen-destroying processing before being consumed by humans, and (7) Ornamental nursery stock and sod farms provided no irrigation with **recycled water** occurs for a period of 14 days prior to harvesting, retail sale, or allowing access by the general public. (e) No **recycled water** used for irrigation, or soil that has been irrigated with **recycled water**, shall come into contact with the edible portion of food crops eaten raw by humans unless the **recycled water** complies with subsection (a).

60305. Use of **recycled water** for impoundments - (a) Except as provided in subsection (b), **recycled water** used as a source of water supply for nonrestricted recreational impoundments shall be disinfected tertiary **recycled water** that has been subjected to conventional treatment. (b) Disinfected tertiary **recycled water** that has not received conventional treatment may be used for nonrestricted recreational impoundments provided the **recycled water** is monitored for the presence of pathogenic organisms in accordance with the following: (1) During the first 12 months of operation and use the **recycled water** shall be sampled and analyzed monthly for Giardia, enteric viruses, and Cryptosporidium. Following the first 12 months of use, the **recycled water** shall be sampled and analyzed quarterly for Giardia, enteric viruses, and Cryptosporidium. The ongoing monitoring may be discontinued after the first two years of operation with the approval of the department. This monitoring shall be in addition to the monitoring set forth in section 60321. (2) The samples shall be taken at a point following disinfection and prior to the point where the **recycled water** enters the use impoundment. The samples shall be analyzed by an approved laboratory and the results submitted quarterly to the regulatory agency. (c) The total coliform bacteria concentrations in **recycled water** used for nonrestricted recreational impoundments, measured at a point between the disinfection process and the point of entry to the use impoundment, shall comply with the criteria specified in section 60301.230 (b) for disinfected tertiary **recycled water**. (d) **Recycled water** used as a source of supply for restricted recreational impoundments and for any publicly accessible impoundments at fish hatcheries shall be at least disinfected secondary-2.2 **recycled water**. (e) **Recycled water** used as a source of supply for landscape impoundments that do not utilize decorative fountains shall be at least disinfected secondary-23 **recycled water**.

60306. Use of **recycled water** for cooling - (a) **Recycled water** used for industrial or commercial cooling or air conditioning that involves the use of a cooling tower, evaporative condenser, spraying or any mechanism that creates a mist shall be a disinfected tertiary **recycled water**. (b) Use of **recycled water** for industrial or commercial cooling or air conditioning that does not involve the use of a cooling tower, evaporative condenser, spraying, or any mechanism that creates a mist shall be at least disinfected secondary-23 **recycled water**. (c) Whenever a cooling system, using **recycled water** in conjunction with an air conditioning facility, utilizes a cooling tower or otherwise creates a mist that could come into contact with employees or members of the public, the cooling system shall comply with the following: (1) A drift eliminator shall be used whenever the cooling system is in operation. (2) A chlorine, 54 or other, biocide shall be used to treat the cooling system recirculating water to minimize the growth of Legionella and other microorganisms.

60307. Use of **recycled water** for other purposes - (a) **Recycled water** used for the following shall be disinfected tertiary **recycled water**, except that for filtration being provided pursuant to Section 60301.320(a) coagulation need not be used as part of the treatment process provided that the filter effluent turbidity does not exceed 2 NTU, the turbidity of the influent to the filters is continuously measured, the influent turbidity does not exceed 5 NTU for more than 15 minutes and never exceeds 10 NTU, and that there is the capability to automatically activate chemical addition or divert the wastewater should the filter influent turbidity exceed 5

NTU for more than 15 minutes: (1) Flushing toilets and urinals, (2) Priming drain traps, (3) Industrial process water that may come into contact with workers, (4) Structural fire fighting, (5) Decorative fountains, (6) Commercial laundries, (7) Consolidation of backfill around potable water pipelines, (8) Artificial snow making for commercial outdoor use, and (9) Commercial car washes, including hand washes if the **recycled water** is not heated, where the general public is excluded from the washing process. (b) **Recycled water** used for the following uses shall be at least disinfected secondary-23 **recycled water**: (1) Industrial boiler feed, (2) Nonstructural fire fighting, (3) Backfill consolidation around nonpotable piping, (4) Soil compaction, (5) Mixing concrete, (6) Dust control on roads and streets, (7) Cleaning roads, sidewalks and outdoor work areas and (8) Industrial process water that will not come into contact with workers. (c) **Recycled water** used for flushing sanitary sewers shall be at least undisinfected secondary **recycled water**.

60310. Use area requirements - (a) No irrigation with disinfected tertiary **recycled water** shall take place within 50 feet of any domestic water supply well unless all of the following conditions have been met: (1) A geological investigation demonstrates that an aquitard exists at the well between the uppermost aquifer being drawn from and the ground surface. (2) The well contains an annular seal that extends from the surface into the aquitard. (3) The well is housed to prevent any **recycled water** spray from coming into contact with the wellhead facilities. (4) The ground surface immediately around the wellhead is contoured to allow surface water to drain away from the well. (5) The owner of the well approves of the elimination of the buffer zone requirement. (b) No impoundment of disinfected tertiary **recycled water** shall occur within 100 feet of any domestic water supply well. (c) No irrigation with, or impoundment of, disinfected secondary-2.2 or disinfected secondary-23 **recycled water** shall take place within 100 feet of any domestic water supply well. (d) No irrigation with, or impoundment of, undisinfected secondary **recycled water** shall take place within 150 feet of any domestic water supply well. (e) Any use of **recycled water** shall comply with the following: (1) Any irrigation runoff shall be confined to the **recycled water** use area, unless the runoff does not pose a public health threat and is authorized by the regulatory agency. (2) Spray, mist, or runoff shall not enter dwellings, designated outdoor eating areas, or food handling facilities. (3) Drinking water fountains shall be protected against contact with **recycled water** spray, mist, or runoff. (f) No spray irrigation of any **recycled water**, other than disinfected tertiary **recycled water**, shall take place within 100 feet of a residence or a place where public exposure could be similar to that of a park, playground, or school yard. (g) All use areas where **recycled water** is used that are accessible to the public shall be posted with signs that are visible to the public, in a size no less than 4 inches high by 8 inches wide, that include the following wording : "**RECYCLED WATER - DO NOT DRINK**". Each sign shall display an international symbol similar to that shown in figure 60310-A. The Department may accept alternative signage and wording, or an educational program, provided the applicant demonstrates to the Department that the alternative approach will assure an equivalent degree of public notification. (h) Except as allowed under section 7604 of title 17, California Code of Regulations, no physical connection shall be made or allowed to exist between any **recycled water** system and any separate system conveying potable water. (i) The portions of the **recycled water** piping system that are in areas subject to access by the general public shall not include any hose bibbs. Only quick couplers that differ from those used on the potable water system shall be used on the portions of the **recycled water** piping system in areas subject to public access.

## **Recycled Water and Wetlands / Environmental Restoration**

### **FISH AND GAME CODE SECTION 1421**

When creating new wetlands, the board shall give preference to lands most suitable for this purpose due to elevations, existence of levees, proximity to existing wetlands that are protected, and potential sources of water. These potential sources of water are limited to all of the following: (a) Water rights which are attached to the land to be restored including groundwater associated with the property. (b) Water willingly made available for a wetlands conservation project through water conservation. (c) **Recycled water**. (d) Undeveloped water supplies of the state. (e) Water marketed for wetlands purposes by a willing seller. (f) Water otherwise made available for wetlands purposes by private, nonprofit, local, and regional entities.



## Recycled Water and Water Rights

### WATER CODE SECTION 1010

- (a) (1) The cessation of, or reduction in, the use of water under any existing right regardless of the basis of right, as the result of the use of **recycled water**, desalinated water, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses, is deemed equivalent to, and for purposes of maintaining any right shall be construed to constitute, a reasonable beneficial use of water to the extent and in the amount that the **recycled**, desalinated, or polluted water is being used not exceeding, however, the amount of such reduction. (2) No lapse, reduction, or loss of any existing right shall occur under a cessation of, or reduction in, the use of water pursuant to this subdivision, and, to the extent and in the amount that **recycled**, desalinated, or polluted water is used in lieu of water appropriated by a permittee pursuant to Chapter 6 (commencing with Section 1375) of Part 2, the board shall not reduce the appropriation authorized in the user's permit. (3) The use of **recycled**, desalinated, or polluted water constitutes good cause under Section 1398 to extend the period specified in a permit for application of appropriated water to beneficial use to the extent and in the amount that **recycled**, desalinated, or polluted water is used. The extension by the board shall be granted upon the same terms as are set forth in the user's permit, and for a period sufficient to enable the permittee to perfect his appropriation, while continuing to use **recycled**, desalinated, or polluted water. (4) The board, in issuing a license pursuant to Article 3 (commencing with Section 1610) of Chapter 9 of Part 2, shall not reduce the appropriation authorized by permit, to the extent and in the amount that reduction in a permittee's use, during the perfection period, including any extension as provided in this section, has resulted from the use of **recycled**, desalinated, or polluted water in lieu of the permittee's authorized appropriation. (5) The board may require any user of water who seeks the benefit of this section to file periodic reports describing the extent and amount of the use of **recycled**, desalinated, or polluted water. To the maximum extent possible, the reports shall be made a part of other reports required by the board relating to the use of water. (6) For purposes of this section, the term "**recycled water**" has the same meaning as in Division 7 (commencing with Section 13000).
- (b) Water, or the right to the use of water, the use of which has ceased or been reduced as the result of the use of **recycled**, desalinated, or polluted water as described in subdivision (a), may be sold, leased, exchanged, or otherwise transferred pursuant to any provision of law relating to the transfer of water or water rights, including, but not limited to, provisions of law governing any change in point of diversion, place of use, and purpose of use due to the transfer.

### GOVERNMENT CODE SECTIONS 25701-25703

25701. The board of supervisors may enter into contracts with municipalities, sanitation districts, sanitary districts or other incorporated bodies within the county, providing for the delivery to the county of sewage, or other waste water, or both, produced by or coming from such incorporated bodies.

25702. The board of supervisors may acquire, construct, repair, manage, and maintain all works necessary or proper for the treatment, purification, and **reclamation of water** from sewage or other waste waters, or both, and may **reclaim** any sewage or other waste water obtained pursuant to contracts entered into pursuant to this article, or obtained otherwise.

25703. The board of supervisors may dispose of **recycled water** and any byproducts of that **recycling**, pursuant to this article, in any one or more of the following ways: (a) Sale to the county and the inhabitants thereof. (b) Sale to any public entity or water corporation. (c) Replenishment of the underground water supplies anywhere within the county. (d) Sale to any city or, with the consent of the city legislative body expressed by ordinance, to the inhabitants thereof.

## Recycled Water - Delivery / Piping

### HEALTH AND SAFETY CODE SECTION 116815

- (a) All pipes installed above or below the ground, on and after June 1, 1993, that are designed to carry **recycled water**, shall be colored purple or distinctively wrapped with purple tape.

- (b) Subdivision (a) shall apply only in areas served by a water supplier delivering water for municipal and industrial purposes, and in no event shall apply to any of the following: (1) Municipal or industrial facilities that have established a labeling or marking system for **recycled water** on their premises, as otherwise required by a local agency, that clearly distinguishes **recycled water** from potable water. (2) Water delivered for agricultural use. (c) For purposes of this section, “**recycled water**” has the same meaning as defined in subdivision (n) of Section 13050 of the Water Code.

### **WATER CODE SECTION 13555.3**

- (a) Water delivery systems on private property that could deliver **recycled water** for nonpotable uses described in Section 13550, that are constructed on and after January 1, 1993, shall be designed to ensure that the water to be used for only potable domestic uses is delivered, from the point of entry to the private property to be served, in a separate pipeline which is not used to deliver the **recycled water**.
- (b) This section applies to water delivery systems on private property constructed within either of the following jurisdictions: (1) One that has an urban water management plan that includes the intent to develop **recycled water** use. (2) One that does not have an urban water management plan that includes **recycled water** use, but that is within five miles of a jurisdiction that does have an urban water management plan that includes **recycled water** use, and has indicated a willingness to serve the water delivery system.
- (c) This section does not preempt local regulation of the delivery of water for potable and nonpotable uses and any local governing body may adopt requirements which are more restrictive than the requirements of this section.

### **TITLE 22 CODE OF REGULATIONS - SECTIONS 60313-60316**

60313. General requirements - (a) No person other than a **recycled water** agency shall deliver **recycled water** to a dual-plumbed facility. (b) No **recycled water** agency shall deliver **recycled water** for any internal use to any individually-owned residential units including free-standing structures, multiplexes, or condominiums. (c) No **recycled water** agency shall deliver **recycled water** for internal use except for fire suppression systems, to any facility that produces or processes food products or beverages. For purposes of this Subsection, cafeterias or snack bars in a facility whose primary function does not involve the production or processing of foods or beverages are not considered facilities that produce or process foods or beverages. (d) No **recycled water** agency shall deliver **recycled water** to a facility using a dual plumbed system unless the report required pursuant to section 13522.5 of the Water Code, and which meets the requirements set forth in section 60314, has been submitted to, and approved by, the regulatory agency.

60314. Report submittal - (a) For dual-plumbed **recycled water** systems, the report submitted pursuant to section 13522.5 of the Water Code shall contain the following information in addition to the information required by section 60323: (1) A detailed description of the intended use area identifying the following: (A) The number, location, and type of facilities within the use area proposing to use dual plumbed systems, (B) The average number of persons estimated to be served by each facility on a daily basis, (C) The specific boundaries of the proposed use area including a map showing the location of each facility to be served, (D) The person or persons responsible for operation of the dual plumbed system at each facility, and (E) The specific use to be made of the **recycled water** at each facility. (2) Plans and specifications describing the following: (A) Proposed piping system to be used, (B) Pipe locations of both the **recycled** and potable systems, (C) Type and location of the outlets and plumbing fixtures that will be accessible to the public, and (D) The methods and devices to be used to prevent backflow of **recycled water** into the public water system. (3) The methods to be used by the **recycled water** agency to assure that the installation and operation of the dual plumbed system will not result in cross connections between the **recycled water** piping system and the potable water piping system. This shall include a description of pressure, dye or other test methods to be used to test the system every four years. (b) A master plan report that covers more than one facility or use site may be submitted provided the report includes the information required by this section. Plans and specifications for individual facilities covered by the report may be submitted at any time prior to the delivery of **recycled water** to the facility.

60315. Design requirements - The public water supply shall not be used as a backup or supplemental source of water for a dual-plumbed **recycled water** system unless the connection between the two systems is protected by

an air gap separation which complies with the requirements of sections 7602 (a) and 7603 (a) of title 17, California Code of Regulations, and the approval of the public water system has been obtained.

60316. Operation requirements - (a) Prior to the initial operation of the dual-plumbed **recycled water** system and annually thereafter, the **Recycled Water** Agency shall ensure that the dual plumbed system within each facility and use area is inspected for possible cross connections with the potable water system. The **recycled water** system shall also be tested for possible cross connections at least once every four years. The testing shall be conducted in accordance with the method described in the report submitted pursuant to section 60314. The inspections and the testing shall be performed by a cross connection control specialist certified by the California-Nevada section of the American Water Works Association or an organization with equivalent certification requirements. A written report documenting the result of the inspection or testing for the prior year shall be submitted to the department within 30 days following completion of the inspection or testing. (b) The **recycled water** agency shall notify the department of any incidence of backflow from the dual-plumbed **recycled water** system into the potable water system within 24 hours of the discovery of the incident. (c) Any backflow prevention device installed to protect the public water system serving the dual-plumbed **recycled water** system shall be inspected and maintained in accordance with section 7605 of Title 17, California Code of Regulations.

#### **TITLE 22 CODE OF REGULATIONS - SECTION 60323**

60323. Engineering report - (a) No person shall produce or supply **reclaimed water** for direct **reuse** from a proposed **water reclamation** plant unless he files an engineering report. (b) The report shall be prepared by a properly qualified engineer registered in California and experienced in the field of wastewater treatment, and shall contain a description of the design of the proposed **reclamation** system. The report shall clearly indicate the means for compliance with these regulations and any other features specified by the regulatory agency. (c) The report shall contain a contingency plan which will assure that no untreated or inadequately treated wastewater will be delivered to the use area.

